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TO: BOARD OF SUPERVISORS

FROM: COUNTY SUPERVISOR TED LEMPERT

DATE: 9/29/94

SUBJECT: Domestic Violence Task Force Report

Enclosed is: 1) summary report; 2) the report by the Task Force on Violent Crime Against Women; and 3) a resolution adopting the report and its recommendations and proclaiming Domestic Violence Awareness Month. This report is the result of a year-long cumulative effort by the 50-member group.

SAN MATEO COUNTY TASK FORCE ON VIOLENT CRIMES AGAINST WOMEN
REPORT TO THE BOARD OF SUPERVISORS

I SUMMARY OF TASK FORCE - PHASE 1 ACTIVITIES

* 50-member multi-agency group formed in 1991 by then-Supervisor Anna Eshoo

* Phase I focused on existing systems dealing with domestic violence and put forth recommendations to improve and expand upon record-keeping methods, follow-up procedures, support systems, and police protocol.

* Domestic violence legislation examined.

II WORK DONE BY TASK FORCE - PHASE 2

* Goal was to ensure that all Phase I recommendations were implemented.

* Good success rate, including: Domestic Violence Specialist at County Probation Department, adoption of model police policy throughout the county, and distribution of the Victim's Resource Guide.

* Progress also made in service issues beyond Phase I recommendations:

- Domestic Violence Unit at D.A.'s office staff deals exclusively with domestic violence crimes
- Domestic Violence Court- collaborative effort by Superior and Municipal Courts to facilitate consistency and continuity with disposition of misdemeanor domestic violence cases.

III TASK FORCE - PHASE 2 RECOMMENDATIONS

* New recommendations made for Phase III to implement;

They include:

- Victim's Advocate Program;
- education and counseling for incarcerated domestic violence offenders and victims;
- public meetings for cities and schools discussing domestic violence;
- developing a school-based curriculum to teach students about the prevention of domestic violence;
- continued monitoring of state and federal domestic violence legislation and securing funding;
- exploring ways to deal with immigrant and refugee victims in a multi-lingual, multi-cultural sensitive manner.

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SAN MATEO COUNTY
TASK FORCE ON VIOLENT CRIME
AGAINST WOMEN
PHASE II

October 4, 1994



STATE OF NEW YORK

IN SENATE

January 10, 1901

REPORT

OF THE



TABLE OF CONTENTS

Introduction.....	ii
Roster.....	v
Part I Status of Recommendations from Task Force- Phase 1	
- Emergency Room Screening.....	1
- Diversion Providers.....	2
- Adolescent Attitudes.....	3
- Data Collection/Examination.....	4
- Police Policies.....	7
- Victim's Services.....	8
- Legislation.....	9
Part II Additional Accomplishments.....	12
Part III New Recommendations.....	13
Appendix A Response to Incidents of Domestic Violence.....	16
Appendix B Domestic Violence Cases in San Mateo County January 1994 - June 1994.....	17
Appendix C Successful Legislation Beyond Phase 1 Recommendations.....	18
Appendix D Victim's Advocacy Project, Proposed.....	21
Appendix E Legislation to Pursue in Phase 3.....	24

INTRODUCTION

Domestic violence is a blight upon our nation. In the United States, a woman is beaten every eighteen seconds, and two to four million women are battered every year.¹ 21,000 domestic violence cases per week were reported in 1991, which is twice as many cases as reported robberies.² Approximately 1400 women annually are murdered by their partners, and in cases of domestic violence, women are the victims eleven times more often than men.³ In addition, at least 25% of victims of relationship violence are pregnant when the violence occurs.⁴

Clearly, action must be taken on such a crucial issue which has been ignored for so long. Spousal rape, for instance, was not explicitly delineated as illegal in any state until the passage of such a law in Oregon in 1977.⁵ Until the early years of this century, eleven states had laws permitting men to batter their wives.⁶

In San Mateo County, 3258 domestic violence cases were reported last year, an increase over the 2870 cases reported in 1992.⁷ During the first half of this year, San Mateo County police reported 1627 domestic violence telephone calls.⁸

San Mateo County is not immune to the epidemic of violence. The San Mateo County Task Force on Violence Against Women represents an important effort to deal comprehensively with this painful problem.

¹San Mateo County Violence Against Women. Task Force Report, 1993; San Mateo County Violence Prevention Campaign. Handout, 1994.

²Law Firm of Cotchett, Illston, & Pitre. American Responses to Domestic Violence: Selected Policies From the United States of America. Burlingame, California; 1994, p. 3.

³Ingrassia, Michele and Beck, Melinda. Patterns of Abuse. Newsweek. July 4, 1994, p. 26.

⁴Cotchett, p. 4.

⁵Ibid, p. 4.

⁶Ibid.

⁷San Mateo County District Attorney's Office and San Mateo County Police Departments, 1994. Information compiled by the Data Collection Subcommittee of the San Mateo County Violence Against Women Task Force.

⁸San Mateo County police departments, 1994. Information compiled by the Data Collection Subcommittee of the San Mateo County Violence Against Women Task Force.

The "Task Force - Phase 1" was originally convened in October 1991. Co-chaired by then-Supervisor Anna Eshoo and Redwood City Police Chief Tony Guardino, the task force was comprised of a number of sub-committees covering the following areas:

- * Emergency Room Screening of Domestic Violence Cases
- * Domestic Violence Diversion Providers
- * Adolescent Attitudes Toward Dating Violence
- * Data Collection
- * Examination of Collected Data
- * Police Policies and Procedures
- * Victim's Services
- * Legislation Relative to Domestic Violence

Although the task force was broadly scoped to include all violence against women, the group decided to focus specifically on Domestic Violence for its initial work. In April 1993 the task force submitted a report to the Board, detailing a number of recommendations in the above areas.

"Task Force - Phase 2" was convened in October 1993. Chaired by San Mateo County Supervisor Ted Lempert, its charter was to follow up on the recommendations from Task Force - Phase 1, and to generate more recommendations to continue the work on this important issue. Task Force - Phase 2 is organized into 3 major sub-committees:

- * Victim's Services : broadened to include all departments and agencies (Health, Police, Probation, Shelter, etc.) that comprise the "total victim response process", this sub-committee is responsible for looking at all aspects of services available to victims. It was broadened specifically to foster comprehensive cross-departmental communication and problem-solving.
- * Education : focused on school-based activities with the intent of broadening its scope to all education/preventive work.
- * Data Collection : focused on the process of data collection and examination.

It is intended to start a Funding/Legislation sub-committee as the need arises, as dictated by the activities of the major sub-committees.

In looking at models from other counties in California and nation-wide, it has become apparent that San Mateo is far from a "model county". It is our intent to continue the Task Force work as a means to emulate and exceed other models. We need to dramatically improve our process for reviewing and comprehensively attacking the issue of violent crimes against women.

TASK FORCE ON VIOLENT CRIME AGAINST WOMEN

ROSTER

Sally Bennett, Congresswoman Anna Eshoo's Office (1)
Judy Bloom, Assemblywoman Jackie Speier's Office (1)
Maureen Borland, Director, County Human Services Agency (3)
Deberah Bringelson, Criminal Justice Council (1), (4)
Jerry W. Brown, Youth Commission (3)
Lynda Burton, Legal Aid Society (1)
Marcy Cisneros, Sor Juana Ines (2)
Skip Duranczyk, "Release on Own Recognizance" (O.R.) Program (4)
Congresswoman Anna Eshoo
Tom Fitzpatrick, County Office of Education (3)
James P. Fox, County District Attorney
Janet Frakes, Advisory Council on Women (2), (3)
Beth L. Freeman, Deputy County Counsel (1)
Velia Garcia, Pescadero Municipal Advisory Council
Barbara Gee, Advisory Council on Women (1)
Floyd Gonella, Superintendent, County Office of Education (1), (3)
Rich Gordon, Youth & Family Assistance (1), (3)
Jim Granucci, Redwood City Police Department (1), (4)
Tony Guardino, Police Chief, City of Redwood City
Rick Gutierrez, County Sheriff's Department (1), (2)
Nicole Hartsell, Youth Commission (3)
Don Horsley, Sheriff, San Mateo County, (1)
Carolina Jane, County Human Services Agency (3)
Sarah Jarvis, Rape Trauma Center (2), (3), (4)

Debbie Keller, Supervised Release, O. R. Program
 Alan Kirby, Acuson Corporation (1)
 Ted Lempert, County Supervisor, 3rd District (1)
 Madelyn Martin, County Human Services Agency (4)
 Jack McInerney, Private Defender Program
 Angela Meyer, Mid-Coast Community Advisory Council
 Scott Morrow, County Health Services Committee (2)
 Doris Morse, Council of Cities (1)
 Robert Norman, Police Chief, City of Foster City (1), (2), (4)
 Tony Orazem, County Victim's Center (1), (2), (3)
 Cecilia Pena, Youth Commission (3)
 Ken Pesso, County Probation Department (1), (2), (4)
 Lisa Rauch-Piroska, Criminal Justice Council (1), (4)
 Gene Roh, Chief Probation Officer, San Mateo County
 Kibbie Ruth, Pastoral Center for Abuse Prevention (1), (3)
 Melodie Smith, Battered Women's Services (1), (2), (4)
 Assemblywoman Jackie Speier
 Commissioner George Taylor
 Margaret Taylor, Director, County Health Services Agency (1), (2)
 Noel Tendick, Youth Commission (3)
 Bill Tiedeman, LCSW (2)
 Elaine Tipton, District Attorney's Office (1), (2), (4)
 Mary Ann Tse, County Human Services Agency (2)

Subcommittees

1. Executive Committee
2. Services Subcommittee
3. Education Subcommittee

4. Data Collection Subcommittee

PART I: STATUS OF RECOMMENDATIONS FROM TASK FORCE - PHASE 1

The following are all the recommendations from Task Force-Phase 1 and their statuses:

EMERGENCY ROOM SCREENING

Recommendation One:

Further staff training in recognizing domestic violence cases in order to heighten staff awareness in signs of domestic violence.

Status:

The Hospital Consortium will be sponsoring a training on domestic violence on October 17, 1994 at the Ramada Inn in South San Francisco. This training will be for nurses and other hospital and pre-hospital staff such as paramedics. It will focus on Battered Women's Syndrome, the profile of the abuser, and the issue of identification of victims of domestic violence.

In addition, the state Public Health Nurses' Association and Assemblywoman Jackie Speier are sponsoring a statewide conference in San Mateo County this fall which will clarify and emphasize the need for health care providers to be involved in breaking the cycle of domestic violence.

Recommendation Two:

Request that the San Mateo County Consortium designate the identification of victims of domestic violence as a priority and develop a county-wide plan by June 1993 to address this issue.

Status:

San Mateo County General Hospital has had a domestic violence reporting form and procedure since 1992. These are currently not up-to-date with the most current legislation signed into law in September 1994 which substantially dilutes previous legislation.

The county-wide plan is proceeding with the following specific objectives:

1. Inventory of all current hospital forms and procedures.
2. Development and implementation of a standardized domestic violence assessment across the county's health care facilities.
3. Development and implementation of a standardized domestic violence reporting form across the county's health care

facilities that is up-to-date with the most current legislation.

DIVERSION PROVIDERS

Recommendation One:

All domestic violence diversion providers to follow the same 96-hour format. Program fees to be consistent throughout the county.

Recommendation Two:

Develop written protocol which references the program and expectations of providers in data gathering, program expectations, and record keeping.

Recommendation Three:

Standard county contract utilized by the Probation Department. Each provider to sign individual contracts with the department solidifying expectations relative to the protocol.

Recommendation Four:

Monthly reports required from the program providers. The Probation Department will conduct several on-site visits per year with each provider.

Recommendation Five:

Look into using a percentage of the fees collected to pay for the monitoring of the providers.

Recommendation Six:

Compile overall monthly report, and send copy to Criminal Justice Council (CJC) for inclusion in regular domestic violence report.

Status:

The Domestic Violence Providers and Probation Department have implemented all of the recommendations and changes from Task Force 1. In addition, the providers are in compliance with all of the changes and requirements for AB 226. Pursuant to that bill, the Probation Department is monitoring the programs and meeting monthly with the providers.

The Probation Department has also created the position of Domestic Violence Specialist whose caseload consists of intensive batterings where the victim and children still reside with the perpetrator. This Probation Officer meets monthly with the

providers to consult on the more difficult cases, and to work on victim and children safety issues.

The data collection reports will be done on a quarterly basis and will be forwarded to the CJC.

ADOLESCENT ATTITUDES

Recommendation One:

Complete the modifications of the survey instrument and administer it to tenth grade students as part of Safety Education classes at three selected high schools, one from the north, middle and south county.

Status:

The Education Committee reviewed the survey instrument and found that it was best suited for use as a pre- and post- presentation tool. It had severe limitations as a survey tool, not the least of which was its length. The committee concluded that we did not need a survey of students to determine the need for an educational program. A phone survey of 9 to 16 high school principals in San Mateo County confirmed that education on sexual harassment and violence toward women is not uniformly available. The committee abandoned the concept of a student survey.

Recommendation Two:

If the survey results demonstrate that a significant number of students have experienced dating violence, an educational program including awareness, prevention and intervention skills for both staff and students should be developed and implemented.

Status:

The Education Committee concludes that there is a need for a high school program. We have agreed to monitor the collaborative efforts of Planned Parenthood, the Crisis Center, Rape Trauma, and Youth and Family Assistance. These four agencies have been funded by the Peninsula Community Foundation to develop a comprehensive curriculum called "Breaking the Cycles of Violence".

This ten-hour classroom presentation will weave together issues related to relationships, sexual roles, domestic violence, and alternative dispute resolution. A draft of the curriculum has been prepared and will be tested this fall at Woodside High School. Based on feedback from the test presentation, the curriculum will be modified and improved. The Committee feels that this collaborative effort has merit and should be

encouraged.

Recommendation Three:

To increase the effectiveness of the high school program, steps should be taken at the junior high school level to develop appropriate educational programming in building healthy relationships.

Status:

The Education Committee has not developed approaches to the middle schools. We feel that this is important, but note that there is insufficient funding for the agency collaboration to reach all of the high schools in the county during the coming year.

DATA COLLECTION

Recommendation One:

Continue the current process of having CJC receive and review information on a monthly basis from the District Attorney's office and the police departments.

Status:

The response to this recommendation is divided into sections intended to follow domestic violence cases through the system, (See Appendix A) from police response, to prosecution, to sentencing, to completion of sentence.

Police Response

This recommendation has been and continues to be fully implemented. From January, 1992, through the present, CJC has on a monthly basis collected domestic violence reports from the District Attorney's office and from each city's police department. The police department reports include information regarding: total domestic violence calls received, total cases in which weapons were involved, what kind of weapon was used (firearm, knife, other dangerous weapon, personal weapon such as hands, fists, feet, etc.)

At the beginning of Phase 2, it was discovered that information on cases being handled by the Sheriff's Department had not been requested in Phase 1, thereby causing the data to be incomplete. The Sheriff's Department subsequently assisted CJC in obtaining information on the total number of domestic violence cases handled by the Sheriff in 1993. At this time, the

department is in the process of developing a system to collect this information on a regular, monthly basis so that it may easily be incorporated into the report.

While continuing to collect these reports, the committee has been concerned, however, that each police department and in fact, each officer may treat domestic violence cases differently, some filing reports or making an arrest, where another officer might not. The committee has repeatedly discussed possible efforts to evaluate or address this issue.

Prosecution of Domestic Violence Cases

CJC continues to collect monthly reports from the District Attorney's office. During Phase 1, the District Attorney's office was responsible for creating a system and computer program for capturing and tallying cases received by the District Attorney's office. The system that was developed is comprehensive and provides complete and detailed information on cases received and subsequently what action was taken, i.e. whether a case was filed or rejected and whether a guilty plea or verdict, or diversion was received.

The committee, however, has been limited in its efforts to correlate this information with that obtained from the police departments. While the district attorney's office collects and tracks reports that they receive from police departments, not all cases of domestic violence for which a report is taken are then turned over to the District Attorney's office for prosecution. The reasons for this may include insufficient evidence or refusal of the victim to cooperate. In addition, the mandated police report summaries include only information on total numbers of cases and weapons, rather than specific and personal information on each perpetrator as do the District Attorney reports. Collection of this information, however, may be too cumbersome and an assessment of its value should be done prior to creating a system to obtain it. In Phase 1, a random study was done of two different police departments' (Daly City and Foster City) monthly domestic violence reports which were not referred to the District Attorney's office.

Using information that is currently available, the committee has provided data collected during the first six months of 1994. For each of the six months, we have shown: total police reports taken, number of cases received by the District Attorney, and number of cases filed or rejected by the District Attorney (See Appendix B).

Sentencing

While information currently exists regarding the disposition/ sentencing phase for individual cases, a computer system, similar to the one developed for the prosecution phase, needs to be created to collect and analyze relevant data. It should include information, such as whether the defendant was diverted or sentenced to jail, probation, counseling, or some combination thereof.

Completion of Sentence

The committee recognized the need to track defendants who were sentenced to probation, with or without counseling, or diverted, to determine whether they were completing their sentence, and the effectiveness of the sentence imposed. In addition, the committee wanted to know how many defendants were actually being diverted. This information is available from the District Attorney's office monthly statistics. (See Recommendation Two.)

Recommendation Two:

Have the Probation Department forward a summary of the monthly reports they receive from the diversion providers to CJC to be included in CJC's regular data collection process.

Status:

This recommendation was refined to provide quarterly, rather than monthly, reports to CJC from diversion providers. County Probation, working with diversion providers, created a report form which includes: number of persons in diversion, reasons for termination, status of probation counseling, and status of diversion counseling. The first quarterly report will cover the period, July, through September, 1994.

Recommendation Three:

A pilot Victim's Advocate program could be done with a few of the local police departments to test the effectiveness of such a program in San Mateo County.

Status:

Proposal being submitted by the Services sub-committee.

Recommendation Four:

Conduct further research on the defendants sentenced on charges stemming from domestic violence to determine the effectiveness of counseling and ascertain if more of these defendants should have

counseling included in their sentences.

Status:

In Phase 2, this committee decided to conduct a study of a select number of cases to determine how cases are being processed and what is the net effect of the County's domestic violence response.

Using fifty-two cases which had been randomly identified by the "Release on Own Recognizance" (O.R.) project during Phase 1, the County Probation Department gathered subsequent information related to each case. Progress in this effort was initially delayed due to the requirement that this work be done manually, as no computer program currently exists to easily provide this information. Additionally, there is strong concern that the information provided incorrectly indicates a reduction of domestic violence cases in San Mateo County. This is due in large part to information regarding repeat offenses being limited to San Mateo County arrests; arrests in other counties being currently inaccessible.

It is believed that an additional study conducted by the Probation Department working jointly with the District Attorney would provide greater, more comprehensive information as it could include a defendant's entire "rap" sheet. Additionally, it has been agreed that collection of this information may require that a computer program which works within the existing system be developed so that defendants can be tracked as a matter of course.

POLICE POLICIES

Recommendation:

Periodic review of model policy to facilitate effectiveness of application.

Status:

Review of Police Department Domestic Violence Procedures.

In 1988, new police procedures were adopted by the Police Chiefs' Association of San Mateo County. The CJC at the direction of the committee collected each city's procedure to determine if the recommended procedures had been adopted by each department and whether any changes had been made since 1988. A review of the procedures indicates that each department did in fact adopt the recommended procedures and that they are currently in effect. Some departments have updated their procedures or made minor modifications as necessary.

Additional Information From Police Departments. Executive Committee discussed an interest in learning whether there are any differences in a police department's adopted procedures for responding to domestic violence cases and the way they are actually handled by officers on the street. It was decided that an effort should be made to determine if domestic violence procedures actually make it to the line officer or whether additional information and training is necessary.

At the direction of the Executive Committee, a fact pattern has been sent to Police Chiefs, the Sheriff, patrol supervisors, and watch commanders. The fact pattern presented a domestic violence case to the respondent and asks how he/she would respond if actually handling that specific incident.

These responses will then be evaluated to determine differences within and between departments.

Coordination of Data. Battered Women's Services (BWS) has provided the committee with information obtained from clients served by BWS. One very important observation from this information is that approximately 60 percent of those women in contact with BWS had not called the police; in some cases even after the third or fourth battery.

VICTIM'S SERVICES

Recommendation One:

Recommend and facilitate county-wide use and distribution of the victim resource information by service providers, law enforcement, educators, clergy, and the courts.

Status:

A master copy of the victim resource guide is on file with committee members or at San Mateo County Victim's Center (415) 877-5494.

Distribution of these pocket guides went to:

San Mateo Law Enforcement Training Managers Association
Police Chiefs via Spring Training
Child Protective Services
Alcohol Abuse Services
Housing Services
District Attorney
Hospitals/Clinics
Aging/Adult Services
Public Health Services
Schools

Shelter Network
Probation
"Core" Service Centers
Sheriffs Department
Applicable local non-profit agencies
Religious organizations and congregations

Recommendation Two:

A periodic review of victim's services should be conducted to determine if victims are being served and to insure the dissemination of information on available services.

Status:

The entire County devotes a tremendous amount of its Law Enforcement and District Attorney resources to domestic violence incidents. Since domestic violence is, by nature, a repetitive crime, this committee strongly recommends that a provision be included for ongoing meetings by an inter-disciplinary team for review of effective responses in all areas. By engaging in informal, ongoing discussions initially, more structured comprehensive response to domestic violence in San Mateo County can be addressed in the future. The Services sub-committee can play a major role in this review.

LEGISLATION

Recommendation One: Legislation that would "enhance law enforcement's education and ability to respond appropriately to violence against women and domestic violence;"

Assembly Bill 224 (Speier) expands the list of officers permitted to issue ex parte emergency restraining orders to include California Highway Patrol, California State Police, University of California Police Departments, California State University and College Police Departments, and the Department of Parks and Recreation. AB 224 also extends the effectiveness of these restraining orders from two days to five to seven days. Status: Chapter 1229, Statutes of 1993.

Assembly Bill 1850 (Nolan) authorizes peace officers to arrest persons for misdemeanor violations of domestic violence protective orders without a warrant even if the violations took place out of the officer's presence. Status: Chapter 995, Statutes of 1993.

The Federal Crime Bill (1994) contains funding for training police officers, as well as judges and prosecutors, about sex-based crimes: case management, relapse prevention, etc. In addition, the Crime Bill requires that violent sexual

offenders and child molesters register with state law enforcement agencies, which gives law enforcement officials access to their criminal histories. The Bill also contains a provision urging states to pass laws and adopt policies mandating the arrest of abusive husbands and partners.

Recommendation Two: Legislation that would "require standardization of diversion programs and require diversion programs have performance contracts with funding agencies;"

Assembly Bill 226 (Burton) expands existing misdemeanor domestic violence diversion programs to require that participants have no conviction for any offense involving violence, nor have been diverted under these provisions within the last ten years. In addition, the bill requires the defendant to pay for as much of the batterer's program as possible, and to perform a specified amount of relevant community service. AB 226 also allows the probation department to refer defendants only to batterer's programs which follow specific standards, and grant the probation department sole authority to approve a batterer's treatment program. Status: Chapter 226, Statutes of 1993.

Assembly Bill 93X (Burton) delineates the components and standards of all batterers' treatment programs. AB 93X requires a person placed on probation, as opposed to diversion, for a domestic violence offense to complete a batterer's program. Status: Chapter 28, Statutes of 1993-94 First Extraordinary Session.

Recommendation Three: Legislation that would "require hospitals to report violence against women and domestic violence;"

Assembly Bill 890 (B. Friedman) requires that health care professionals be trained about how to recognize domestic violence. Status: Chapter 1234, Statutes of 1993.

Assembly Bill 1652 (Speier) requires health practitioners to report to law enforcement physical violence to the patient as soon as possible by phone and within 48 hrs in writing. Status: Chapter 992, Statutes of 1993.

Assembly Bill 74X (Speier) clarifies that all persons seeking treatment from an assault or any other physical injury must be reported to law enforcement by all health care practitioners. Status: Chapter 19, Statutes of 1993-94 First Extraordinary Session.

Recommendation Four: Legislation that would "identify funds for domestic violence shelters and accompanying services;"

Assembly Bill 167 (B. Friedman) is the Battered Women

Protection Act of 1994. It appropriates \$11.5 million for domestic violence programs in 1994-95, seeking to expand existing services and/or create new ones. The bill focuses on transitional housing, emergency shelters, legal advocacy, and other types of support services. Status: Chapter 140, Statutes of 1994.

Assembly Bill 284 (Speier) provides protection for women who are being either battered or stalked by allowing protective orders and civil harassment orders to be issued free of charge. Status: Chapter 583, Statutes of 1993.

Assembly Bill 3033 (Solis) eliminates the \$24 fee for the service of a restraining order by a law enforcement officer. Status: Chapter 689, Statutes of 1994.

H.R. 522 (Morella) confers a grant to a nonprofit private organization to establish and operate a national domestic violence hotline. Status: H.R. 522 passed in the Federal Crime Bill, which appropriated \$3 million for the program.

Assembly Bill 3129 (Bustamante) revises California law to meet funding eligibility requirements of the federal Violence Against Women Act of 1993. Status: Governor's desk.

Recommendation Five: Legislation that would "require an educational component on violence, both domestic and violence against women, for school-aged children."

Senate Bill 224 (Hughes) includes educational programming about date rape in sex education courses, in schools which offer these courses. Status: Chapter 328, Statutes of 1993.

The Violence Against Women Act (H.R. 1133, Schroeder) establishes rape prevention programs (education and prevention grants). Status: The Violence Against Women Act passed in the Federal Crime Bill.

PART II: ADDITIONAL ACCOMPLISHMENTS

The Task Force has endeavored to address additional issues beyond the recommendations of the Phase 1 report. Key progress has been made in the service arena.⁹ The Services sub-committee's goal is to comprehensively examine all services that are involved in response to victims of domestic violence, identify "service gaps" and implement ways to close them. To that end, a number of activities were commenced:

1. The District Attorney has established a Domestic Violence Unit in his office. The Unit is staffed by two senior prosecuting attorneys who are devoted exclusively to reviewing and prosecuting domestic violence cases. The Unit will review approximately 800 cases resulting in the filing of criminal charges against individuals accused of committing violence against their spouses or partners.
2. Establishment of a Domestic Violence Court which hears all misdemeanor domestic violence cases. This court is held twice weekly, once in Redwood City and once in South San Francisco. It is presided over by two Superior Court judges, both experts in family law. This process facilitates consistency and continuity in the disposition of contested cases. Establishment of the Court was made possible as a result of the combined efforts of the Superior and Municipal Courts, the District Attorney, the private defender program, the Sheriff, and Probation Department.
3. Ongoing coordination through the Health Department with local hospitals and other health care providers to ensure compliance with new mandatory reporting requirements of domestic violence laws, and enhancement of training to health care providers in identification of and response to the needs of victims of domestic violence.

⁹In addition, legislation going beyond the recommendations of the Phase 1 report has been adopted in Sacramento and Washington. (See Appendix C)

PART III: NEW RECOMMENDATIONS: TASK FORCE - PHASE 3

Initially, the Task Force found that domestic violence was an under-recognized problem and that the impact on its victims and their families are profound. Although it is now widely acknowledged that domestic violence has reached epidemic proportions, the overarching goal of reducing the incidents of domestic violence has not yet been realized. The County of San Mateo is committed to reducing the incidents of domestic violence, assisting victims, prosecuting perpetrators, and educating young people so that they may avoid becoming victims or perpetrators.

Our County's goal is to proceed on a multi-jurisdictional, multi-cultural and multi-lingual basis to coordinate all public and private services to reduce domestic violence. All public agencies, including city councils and school boards, will regularly address the problem of domestic violence in public forums to assess their agency's response to the problem and it's efforts to reduce the incidents of domestic violence.

The delivery of services will guarantee to all victims:

If you report domestic violence, you will be served.

If you claim to be a domestic violence victim, the police will investigate.

If there is cause, the District Attorney will prosecute, and the courts will convict.

If there is need, services will be available to victims and perpetrators.

The Task Force recommends that the following specific proposals be pursued in Phase 3. Some of these proposals will require additional funding. It is anticipated that Phase 3 will concentrate on implementing these proposals and securing funds for these projects where needed.

Recommendation One:

Implement the Victim's Advocate Program, which should be the first recommendation to be funded. Under the auspices of the District Attorney, this program will provide education, support and assistance to victims as they "navigate" through the legal and social services systems. The primary goals will be to increase the number of successful domestic violence prosecutions and to insure that the victims are properly served by the criminal justice and social services systems. (See Appendix D)

Recommendation Two:

Provide education and counseling for incarcerated domestic violence offenders and victims to reduce repeat offenses. In collaboration with the Sheriff and Probation Department, Mental Health Services (Forensics and CASE [Clean and Sober Environment]) and individual services providers will design special counseling and education programs to take place during incarceration.

Recommendation Three:

Encourage each city council within San Mateo County to adopt a resolution similar to the County's, and to promote local programs that create community awareness of these issues and recommendations. Further recommend that each city consider sponsoring public meetings to work with their public safety departments in identifying local issues and needs and to take any other actions in support of this report.

Recommendation Four:

Develop a school-based domestic violence prevention curriculum to be available for all middle school and high school youth. Staff training and parent involvement should be an integral component of the curriculum.

Recommendation Five:

Request that each of the local school district's board of trustees in San Mateo County devote a portion of an upcoming meeting to a discussion of this Task Force's report and how each school district can address the issue of domestic violence.

Recommendation Six:

Establish a speaker's bureau available to community groups, schools, and public agencies to further educate all citizens about the epidemic of domestic violence.

Recommendation Seven:

Ensure that domestic violence is a top priority of the countywide Violence Prevention Campaign. San Mateo County Health Services has funded the Center for Abuse Prevention at Youth and Family Assistance to initiate a summit conference to be held in January 1995 to develop a plan for this campaign in San Mateo County. Members of the Task Force will be asked to assist with implementation of various elements of the plan.

Recommendation Eight:

Establish regular monitoring of state and federal domestic violence legislation, along with the development of a comprehensive legislative strategy by the Board of Supervisors to assist in securing passage of legislation and funding to further the County's goals and vision for reducing domestic violence.
(See Appendix C)

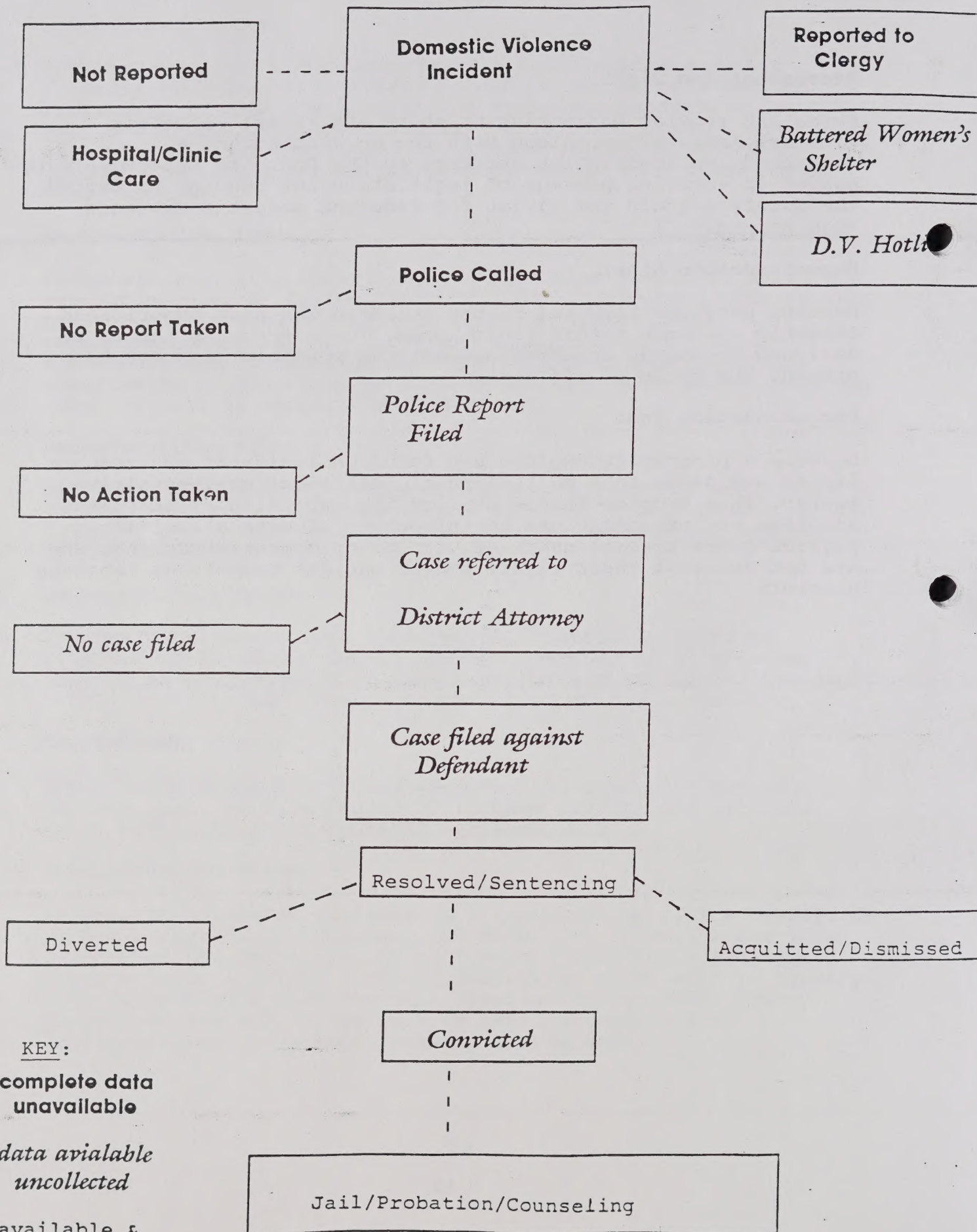
Recommendation Nine:

Develop programs targeted to the children who have experienced domestic violence within their homes. These programs should be designed to engage children as early as possible in order to prevent the cycle of violence.

Recommendation Ten:

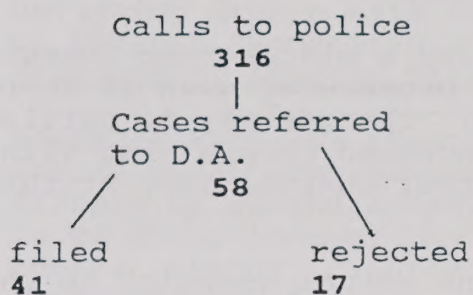
Develop a program to explore and focus on immigrant and refugee issues and needs in a multi-lingual, multi-cultural sensitive manner. This program should utilize the expertise of existing agencies and organizations to inform and educate all citizens regarding the special needs of victims of domestic violence who are not aware of their rights and/or options because of language barriers.

Response to Incidents of Domestic Violence

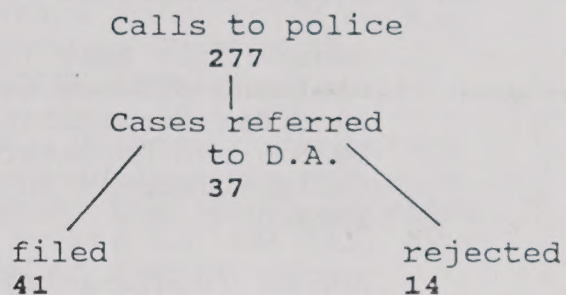


Domestic Violence Cases in San Mateo County
January-June, 1994.

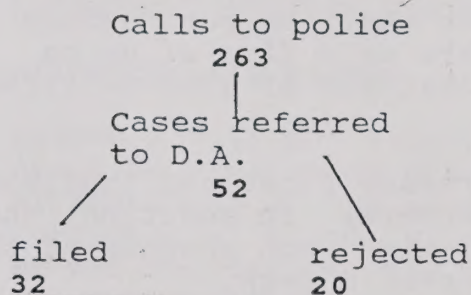
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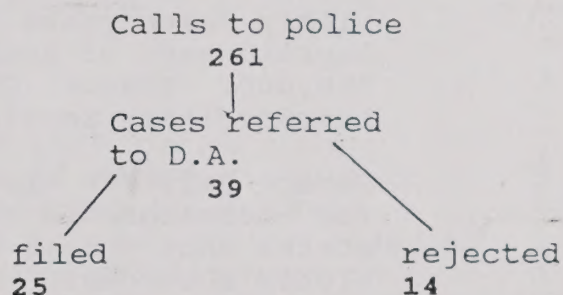
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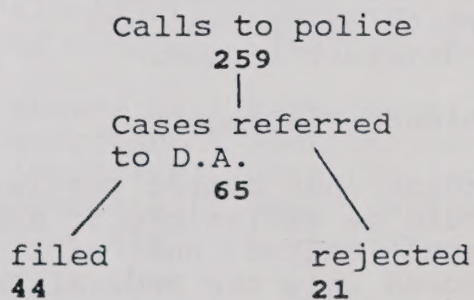
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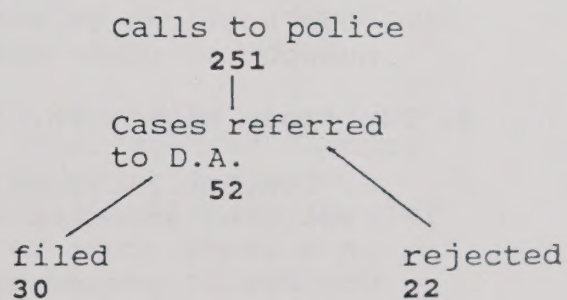
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APPENDIX C: SUCCESSFUL LEGISLATION BEYOND PHASE 1 RECOMMENDATIONS

Many bills going beyond the five recommendations of Task Force - Phase 1 passed the state legislature and Congress.

1. Stronger Penalties For Sexual Violence

Senate Bill 1827 (Lockyer) allows a misdemeanor domestic violence offense to be further prosecuted even if there is an order terminating an action. Charges may be refiled up to six months later if the subpoenaed complaining witness fails to appear in court. Status: Chapter 169, Statutes of 1994.

ACA 37 (Bustamante) adds "felony sexual assault" to the list of crimes which can be found as an exception to bail by the courts if it is likely that the person's release would result in great bodily harm to others. Status: Chapter 95, Statutes of 1994. ACA 37 will be Proposition 189 on the November 1994 ballot.

Senate Bill 13X (Killea and Presley) holds that persons convicted more than once of spousal abuse for acts occurring within seven years of each other shall be punished by imprisonment of four to six years or a fine of up to \$10,000. Status: Chapter 43, Statutes of 1993-94 First Extraordinary Session.

Senate Bill 739 (Bergeson) increases fines and imprisonment for violations of restraining orders. In addition, the bill states that judges shall not dismiss such charges at the victim's request. Status: Governor's desk.

2. Uniformity of Punishment for Spousal and Nonspousal Rape

Assembly Bill 187 (Solis) makes the rape of a spouse punishable in the same manner as nonspousal rape. Status: Chapter 595, Statutes of 1993.

Senate Bill 59 (McCorquodale) amends approximately 23 penal code sections to achieve uniformity of spousal and nonspousal rape laws. Status: Governor's desk.

3. Courtroom Rights For Domestic Violence Victims

S. Con.Res.21 (Moseley Braun) holds that expert testimony regarding domestic violence should be admissible if offered in a state court by the defendant. Status: Most of S. Con.Res.21 passed by being factored into the Federal Crime Bill. The Federal Crime Bill also includes a clause which

allows women to file civil suits in cases of violent crimes which are motivated by sex bias.

Assembly Bill 59X (Alpert) provides that a hearing is required before a person charged with a specific stalking or domestic violence offense is released on bail which differs from the bail set in the uniform countywide bail schedule, giving prosecutors the ability to make their case for not deviating from a bail schedule before a judge rules on his or her own recognizance release. Status: Chapter 58, Statutes of 1993-94 First Extraordinary Session.

Assembly Bill 88X (Burton) requires a defendant who enters into a civil compromise of a misdemeanor domestic violence offense to attend a batterer's program, the length of which to be determined by the court, but not to be less than eight hours. Status: Chapter 35, Statutes of 1993-94 First Extraordinary Session.

Senate Bill 302 (McCorquodale) clarifies that a support person must be allowed to accompany a victim of domestic violence in court, and that the person is not required to have special qualifications. In addition, at the request of the victim, the support person may attend any mediation orientation sessions required by the court separate from the batterer. Status: Governor's desk.

4. Confidentiality Rights

Assembly Bill 356 (Snyder) requires that judges make specific visitation orders in cases of domestic violence allegations; if the woman is in a shelter or another confidential place, requires judges to fashion the order so as not to disclose the location of the shelter, and to prevent children from witnessing any further acts of violence. Status: Chapter 320, Statutes of 1994.

5. Information Accessibility

Assembly Bill 3034 (Solis) requires state clerks to immediately enter the information of terms of restraining orders and descriptive information of the respondent into the existing computer system established by the Department of Justice. Status: Chapter 872, Statutes of 1994.

Senate Bill 1278 (Hart) requires all local law enforcement agencies to notify the Department of Justice immediately upon the issuance of a domestic violence restraining order in their jurisdiction. Status: Chapter 870, Statutes of 1994.

H.R. 1133 (Schroeder) is the Violence Against Women Act of 1993. Among other provisions, it creates a national baseline study to examine campus sexual assault, and establishes an Interagency Advisory Board on Violent Crime Against Women. Status: The Violence Against Women Act passed in the Federal Crime Bill. In addition, the Federal Crime Bill provides for epidemiological research on the subject of domestic violence.

6. Court Training

Senate Bill 577 (Greene) requires the court to institute separate domestic protocol for mediation and gender bias training for mediators and evaluators, allows for preemptory challenge against an evaluator, and in large counties, requires the administrator to be an LCSW. Status: Governor's desk.

APPENDIX D: VICTIM'S ADVOCACY PROJECT PROPOSAL

Introduction

In reviewing various models (nation-wide) of response to domestic violence cases, the San Mateo County Task Force on Violent Crime Against Women (Services Committee) identified a "gap" in the services provided to victims of domestic violence. Most counties whose models we reviewed described the existence of "Victim Advocates" residing in the District Attorney's office. The role of a Victim Advocate is to provide education, support, and assistance to victims as they "navigate" through the legal and social service systems. We believe that having such a role in San Mateo County would facilitate the meeting of four very important goals:

1. Insure that every victim of domestic violence can make informed decisions with regard to her/his plan of action.
2. Insure that every victim of domestic violence is supported through the criminal justice process.
3. Facilitate the participation of victims in domestic violence prosecutions.
4. Provide a comprehensive assessment of the current effectiveness of domestic violence response in the county, and provide input to the Task Force on gaps, dis-connects, and other system deficiencies.

It is expected that with support, victims will have the increased safety and confidence to proceed with what could appear to be very intimidating legal procedures associated with prosecuting violators. The Victim Advocate will play an important role in "demystifying" the process and providing personal support for those in the criminal justice process.

Attached is a proposed job description for the Victim Advocate Coordinator position. As this would be the first such role in the county, the job entails a large amount of "program design" work. We expect that for the first 6-9 months, this person would be designing and setting up the Victim Advocacy Program: establishing operational agreements and relationships with many departments and agencies, establishing operating procedures, setting up a volunteer program, etc.

Once the program is set up, the Coordinator will move into a supervisory role, hiring two half-time Victim Advocates (job description attached) -- one each for north and south county

District Attorney branch offices -- and supervising volunteers in addition to paid staff.

We expect that as a start, the Victim Advocacy Program will receive "client referrals" from the District Attorney's office only. As the program matures, the referral base can be broadened to include other groups (for example, social services agencies, law enforcement, Family Law Court, etc.)

Job Description - Victim Advocacy Program Coordinator

Reports To: District Attorney's Office, Domestic Violence Unit

Role

- * Research, design, and establish a Victim Advocacy Program for San Mateo County.
- * Continuously improve the Victim Advocacy Program.
- * Provide input to the Task Force on Violent Crime Against Women, as understanding of the gaps in victim services is understood.

Responsibilities

Specific responsibilities would include:

- * Design and implement process for contacting victims and tracking all communication.
- * Design and implement education that would facilitate informed choices by the victim. Education to include:
 1. The court process for obtaining civil and criminal relief.
 2. What to do if the respondent violates the restraining order.
 3. Information and referrals for services for victims and their children.
 4. Answers to questions raised by petitioners.
- * Design best way that volunteers/students can be utilized and implement appropriate training and procedures (example: restraining order briefings.)
- * Identify all court personnel involved in criminal domestic violence cases. With an understanding of those roles, establish working relationships that position a "partnering" role for victim advocates within the total system.

- * Develop protocols and operational agreements with relevant organizations (shelter, law enforcement, etc.)
- * Develop an operating manual that outlines the cross-departmental/ cross agency procedures involved in providing effective support to victims of domestic violence.

Job Description - Victim Advocate

Reports To: Victim Advocacy Program Coordinator

Role

- * Provide support to victims of domestic violence through implementing procedures established in the Victim Advocacy Program.
- * Design and implement procedures for communications among domestic violence victims, advocates and the domestic violence unit deputy district attorneys.
- * Assist in the evolution of the program as experience with victims is gathered.

Responsibilities

Specific responsibilities would include:

- * Provide education to domestic violence victims (legal process, social services available, etc.) so they are equipped to make informed choices regarding their plan of action.
- * Provide court accompaniment decisions to domestic violence victims in criminal cases.
- * Provide personal support, communication, and assistance to victims as they "navigate" through the legal system.
- * Serve as an "information conduit" to the prosecutor when appropriate.
- * Refer victims to social services where appropriate.
- * Assist victims with the completion of any documentation required at each step of the prosecution cycle.

APPENDIX E: LEGISLATION TO PURSUE IN PHASE 3

Legislation that was unsuccessful to date but which the County should advocate further covers many areas, including health services and court reform.

1. Training of Health Students

S. 1506 (Boxer) would amend the Public Service Act to provide for training of health professions students on identification and referral of victims of domestic violence. Status: Currently pending. If no action is taken on the bill before October, it will not pass.

2. Waiver of Interpreter Fees.

Assembly Bill 2115 (Solis) would have waived interpreter fees in proceedings under the Domestic Violence Prevention Law, where a prescribed declaration demonstrated financial need. The bill also would have required the waiver of interpreter fees in all proceedings under the Family Code for parties whose incomes are not sufficient to pay the fees and would also have provided for the common necessities of life for themselves and their dependent families. Status: Assembly Bill 2115 did not pass the legislature.

3. Domestic Violence Training For Judges.

ACR 1X (Epple) would require an annual mandatory training day for all judges on domestic violence. In October of 1993, the Nevada Supreme Court ordered all judges in that state to attend such a training seminar. Topics included: "...the dynamics and context of family violence, the impact of domestic violence on children, batterers treatment and accountability, lethality in domestic violence cases and access to courts...evidence, sentencing and enforcement." Status: ACR 1X did not pass the legislature.

4. Establishing Domestic Violence Departments

Senate Bill 1943 (Killea) would have required the superior court in each county to designate one domestic violence department, which would have had exclusive jurisdiction in specified matters involving domestic violence, including the arraignment of defendants charged with domestic violence. Status: Senate Bill 1943 did not pass the legislature.